

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE: TROPICANA ORANGE JUICE
MARKETING AND SALES PRACTICES
LITIGATION

MDL 2353

Master Docket No: 2:11-cv-7382 (DMC)(JAD)

**NOTICE OF MOTION
TO DISMISS**

This Document Relates To: ALL CASES

PLEASE TAKE NOTICE that, as soon as counsel may be heard, the undersigned, attorneys for Defendant Tropicana Products, Inc., shall move before the Honorable Dennis M. Cavanaugh, U.S.D.J., at the United States District Court for the District of New Jersey, Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for the entry of an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Consolidated Amended Complaint with prejudice.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendant will rely upon the Memorandum of Law, the Declaration of Jacquelyn Coleman, and the Declaration of Caeli A. Higney in support thereof, as well as any submissions offered on reply.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is also submitted.

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Dated: September 25, 2012